

ORDINANCE NO. 28808

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE WEST SIDE OF GUADALUPE MINES ROAD, APPROXIMATELY 1,130 FEET SOUTHERLY OF VIA CAMPAGNA (6411 GUADALUPE MINES ROAD), FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO R-1-8(PD) PLANNED DEVELOPMENT ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed rezoning was the subject of a Mitigated Negative Declaration prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on August 11, 2010, under File No. PDC10-005, which determination has not been challenged, protested or appealed; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered, approves and adopts said MND prior to taking any approval actions on this project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as R-1-8(PD) Planned Development. The base zoning district of the subject property shall be the R-1-8 – Single-Family Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Zoning Plans, Brookside Estates, City of San Jose, Santa Clara County, California," **last revised July 14, 2010.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC10-005 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 31st day of August, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
NGUYEN, PYLE; REED.

NOES: KALRA, OLIVERIO.

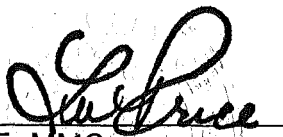
ABSENT: LICCARDO.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

April 5, 2010
Job No. 101006

Exhibit A
Legal Description
for
Brookside Estates
City of San Jose, California

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

Parcels 1, 2 and 3 as shown on that certain parcel map filed November 18, 2003 in Book 766 of Maps at pages 6 to 11, inclusive, Santa Clara County records.

PARCEL TWO:

A non-exclusive right of way for ingress and egress and for the installation and maintenance of public utilities, over a strip of land 50 feet in width, the center line of which is described as follows:

Beginning at an iron pipe at the point of intersection of the northerly line of that certain parcel of land described as Parcel No. Three in the deed from Francesca Chouteau to James Rolph III and June Irene Rolph, this wife, dated December 30, 1955 and recorded January 12, 1956 in Book 3385 of Official Records, at Page 6, Santa Clara County records, with the center line of a 50 foot right of way, as said iron pipe; northerly line and said center line, as shown on the map of Record of Survey filed in the office of the recorder of the County of Santa Clara, State of California, on March 8, 1956 in Book 67 of Maps, at Page 29, said point of beginning also being the southerly terminus of the center line of the Guadalupe Mines Road, as shown on said map of record of survey; thence from said point of beginning along the center line of said 50 foot right of way South 15°14'08" West 260.98 feet to an iron pipe; thence South 8°56'38" West 178.61 feet to an iron pipe; South 2°55'08" West 478.06 feet to an iron pipe; South 28°43'31" West 210.62 feet to an iron pipe; South 31°05'26" West 500.67 feet to an iron pipe; South 35°22'21" West 191.00 feet to an iron pipe; South 15°50'31" West 125.11 feet to an iron pipe, South 26°51'51" West 134.17 feet to an iron pipe, South 49°03'41" West 144.64 feet to an iron pipe South 61°51'21" West 210.15 feet to an iron pipe.